

UNITED STATES DISTRICT COURT
Northern District of California

BAY AREA PAINTERS AND TAPERS
PENSION TRUST FUND,

No. C 10-05174 SBA (MEJ)

NOTICE OF REFERRAL

Plaintiff(s),

v.

IBARRA COATINGS INC,

Defendant(s).

The above-captioned case was referred to Magistrate Judge Maria-Elena James to prepare a report and recommendation on Plaintiff's pending Motion for Default Judgment. (Dkt. #20.) Accordingly, the Court shall conduct a hearing on September 29, 2011 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California. Defendant shall file any opposition to Plaintiff's motion by September 1, 2011, and Plaintiff shall file any reply by September 15, 2011.

If no opposition is filed, Plaintiff shall file detailed proposed findings of fact and conclusions of law by September 15, 2011. The proposed findings shall address the following: (1) the basis for the Court's subject matter jurisdiction; (2) the basis for the Court's personal jurisdiction, which, if seeking default judgment against any out-of-state defendants, shall include a minimum contacts analysis under *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 802 (9th Cir. 2004); and (3) an analysis of each individual factor in *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986).

Further, if Plaintiff seeks attorney's fees and costs, the proposed findings shall include the following: (1) evidence supporting the request for hours worked, including a breakdown and identification of the subject matter of each person's time expenditures; (2) evidence that the

1 requested rates are in line with those prevailing in the community for similar services of lawyers of
2 reasonably comparable skill and reputation; and (3) rate determinations in other cases of similarly
3 complex litigation, particularly those setting a rate for the plaintiff's attorney. Plaintiff shall ensure
4 that a copy of the proposed findings is emailed to mejpo@cand.uscourts.gov. The Court prefers that
5 proposed findings be emailed in WordPerfect format; however, Microsoft Word format is also
6 acceptable.

7 In addition, the parties shall lodge with chambers a printed copy of any electronically-filed
8 documents by noon of the next court day following the day the papers are filed electronically. These
9 printed copies shall be marked "Chambers Copy" and shall be submitted to the Clerk's Office, in an
10 envelope clearly marked with "Magistrate Judge James," the case number and "E-Filing Chambers
11 Copy." **ALL CHAMBERS COPIES MUST INCLUDE ON EACH PAGE THE RUNNING**
12 **HEADER CREATED BY THE ECF SYSTEM. ELECTRONICALLY FILED DOCUMENTS**
13 **MUST BE CITED IN ALL OTHER DOCUMENTS AS FOLLOWS: DKT#__ AT __.**

14 Plaintiff shall serve this order upon all other parties in this action. Please contact the
15 courtroom deputy, Brenda Tolbert, at (415) 522-4708 with any questions.

16 **IT IS SO ORDERED.**

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18 Dated: June 14, 2011

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20 Maria-Elena James
21 Chief United States Magistrate Judge
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